



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: U.S. Equal Employment Opportunity Commission
Funding of Federal Executive Boards

File: B-219795

Date: September 29, 1986

DIGEST

A certifying officer of the U.S. Equal Employment Opportunity Commission may not properly certify for payment a claim for a portion of the expenses incurred by a Federal Executive Board in sponsoring an awards banquet for the honorary recognition of equal employment opportunity activities. A general Government-wide appropriation act restriction, appearing in its current form since 1982, prohibits the use of appropriated funds for interagency financing of boards or commissions "which do not have prior and specific statutory approval to receive financial support from more than one agency or instrumentality." This restriction applies to Federal Executive Boards since the boards lack statutory approval for interagency financing.

DECISION

The United States Equal Employment Opportunity Commission's (EEOC's), Director of the Financial Management Services has requested our opinion on whether the agency may pay for the expenses incurred by a Federal Executive Board (FEB), in sponsoring a program to recognize excellence at the state, local and Federal levels of Government. The FEB award program was funded in 1982 by contributions from participating Federal agencies. Specifically, he is concerned with the propriety of certifying a payment out of an imprest fund made for such a purpose in fiscal year 1982. As discussed below, the EEOC's appropriation for fiscal year 1982 is not available for jointly funded FEB activities as it is subject to a general Government-wide appropriation act restriction appearing in its current form since 1982.

In February 1982, the Denver Federal Executive Board requested that the EEOC's Denver District Office sponsor an award for outstanding contribution in equal employment opportunity as part of the board's Twentieth Annual Excellence in Government Awards Program. On March 10, 1982, the Deputy Director of EEOC's Denver District Office paid to the FEB the \$100 sponsorship fee out of his personal funds. He filed a claim for reimbursement on April 2, 1982, and was

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reimbursed for the payment in cash from the imprest fund. The EEOC's Director of Financial Management Services questions whether he may certify the claim as correct and proper for payment. Moreover, he is concerned whether the EEOC may pay for the expenses incurred by any FEB involving the honorary recognition of equal employment opportunity activities.

FEB's are interagency coordinating groups created to strengthen Federal management practices, improve inter-governmental relations, and participate, as a unified Federal office, in local civic affairs. The boards were established in 1961 by President Kennedy. The boards rely on voluntary participation by members to accomplish their goals. They have no legislative charter and receive no congressional appropriations.

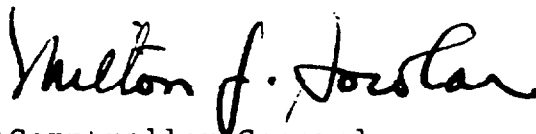
When the boards were first established, Congress had specifically authorized the use of appropriated funds to finance interagency activities. Section 214 of the Independent Offices Appropriation Act, 1946, 31 U.S.C. § 691 (now codified as 31 U.S.C. § 1346(b) (1982)). However, since 1971 a general, Government-wide restriction appearing each year in an annual appropriation act has prohibited interagency financing of boards and commissions which lack congressional approval of such a method of financing.^{1/} The present restriction first appeared in 1982.

"No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have prior and specific statutory approval to receive financial support from more than one agency or instrumentality." Section 609 of the Treasury, Postal Service, and General Government Appropriation Act for Fiscal Year 1982, H.R. 4121 (incorporated by reference into the Further Continuing Appropriations Act of Fiscal Year 1982, Pub. L. No. 97-92, 95 Stat. 1183 (Dec. 15, 1982)).

^{1/} See, e.g., Pub. L. No. 92-49, section 609, 85 Stat. 108, 124 (1971). Prior to 1971, a specific restriction on the authority of section 214 was contained in section 508 of the Department of Agriculture and Related Appropriation Act, 1969. Pub. L. No. 90-463, 82 Stat. 639 (1968) and section 37 of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, Pub. L. No. 90-550, 82 Stat. 937 (1968).

In our recent decision concerning the restriction as it appears in continuing resolutions covering fiscal years 1985 and 1986, we held that this restriction applies to the Federal Executive Boards since the boards do not have statutory approval for interagency financing. B-219742, July 1, 1986.^{2/} We concluded that interagency funding of the FEB's is prohibited unless otherwise authorized by statute. However, since the restriction refers to entities receiving "financial support from more than one agency or instrumentality" (emphasis added), we found nothing to prevent a single agency with a primary interest in the success of the entire interagency venture from picking up the total cost.

Accordingly, since we know of no specific statutory authority that would allow the EEOC to make such contributions, it is prohibited under the appropriation act restriction from providing interagency financial support to an FEB. This includes sponsoring an award for outstanding contribution to equal employment opportunity activities under an FEB Government awards program. Thus, a claim for reimbursement for the payment of such an expense, incurred in 1982, may not be certified as correct and payment that was made to the Deputy Director of the Denver District Office should be recovered.

for 
Comptroller General
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^{2/} We have in the past considered the pre-1982 restriction and concluded that it prohibited the availability of executive agency appropriations, otherwise available to interagency entities under 31 U.S.C. § 1346(b), "unless specific congressional authorization had been given for such method of financing." 49 Comp. Gen. 305, 307 (1969); see also, B-174571, Jan. 5, 1972.